

### **REMARKS**

In the October 3, 2008 Office Action, all of the claims stand rejected in view of prior art. No other objections or rejections were made in the Office Action.

#### ***Status of Claims and Amendments***

In response to the October 3, 2008 Office Action, Applicant has amended claims 1, 2, 4, 8 and 9 and cancelled claim 10, as indicated above. Thus, claims 1-4 and 8-9 are pending, with claim 1 and 8 being the only independent claims. Reexamination and reconsideration of the pending claims are respectfully requested in view of above amendments and the following comments.

#### ***Entry of June 24, 2008 Amendment***

At the top of page 2 of the Office Action, the Office Action indicates that Applicant's June 24, 2008 Amendment has been entered.

#### ***Rejections - 35 U.S.C. § 102***

In paragraph 2 at the top of page 3 of the Office Action, claim 10 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,895,009 (hereinafter "the Stallkamp patent"). In response, Applicant has cancelled claim 10 without prejudice.

#### ***Rejections - 35 U.S.C. § 103***

In paragraph 4 of the Office Action, claims 1-4, 8 and 9 stand rejected under 35 U.S.C. §103(a) as being unpatentable over the Stallkamp patent in view of U.S. Patent Publication No. 2003/0114679 (hereinafter "the Domon publication"). In response, Applicants have amended independent claims 1 and 8 as mentioned above. Support for the

amendments to claims 1 and 8 can be found in the specification as originally filed at page 6 lines 16-26, page 7, lines 24-29, the first paragraph on page 9 and the first paragraph on page 10 of the specification as originally filed.

More specifically, independent claims 1 and 8 now clearly recite a synchronization adjustment unit for **controlling** the frequency of a cycle start packet output from a cycle master **linking** with the frequency of a reference signal. Clearly this arrangement is **not** disclosed or suggested by the Stallkemp patent, the Domon publication or any other prior art of record.

Rather, the Stallkemp patent specifically discloses at column 5, lines 9-18 the following:

Synchronizer 254 represents logic equipped to synchronize the operating frequency of A/V device 108 with that of other devices, such as A/V device 110. In one embodiment, synchronizer 254 utilizes a house reference signal 255 distributed via reference signal line 102 for example, to synchronize such operating frequencies. Further, synchronizer 254 enables data based in one time domain (i.e. house reference time domain) to be transmitted over an isochronous network in terms of a second time domain (i.e. that defined by an isochronous cycle master).

In other words, the Stallkemp patent discloses a synchronizer 254 that synchronizes the operating frequency of A/V device 108 with A/V device 110, and synchronizer 254 transmits data based in one time domain over an isochronous network.

The Stallkemp patent fails to disclose or suggest a synchronization adjustment unit for **controlling** the frequency of a cycle start packet output from a cycle master **linking** with the frequency of a reference signal.

Similarly, the Domon publication also fails to disclose or suggest a synchronization adjustment unit for **controlling** the frequency of a cycle start packet output from a cycle master **linking** with the frequency of a reference signal.

Under U.S. patent law, the mere fact that the prior art can be modified does *not* make the modification obvious, unless an *apparent reason* exists based on evidence in the record or scientific reasoning for one of ordinary skill in the art to make the modification. See, KSR Int'l Co. v. Teleflex Inc., 127 S.Ct. 1727, 1741 (2007). The KSR Court noted that obviousness cannot be proven merely by showing that the elements of a claimed device were known in the prior art; it must be shown that those of ordinary skill in the art would have had some "apparent reason to combine the known elements in the fashion claimed." Id. at 1741. The current record lacks any apparent reason, suggestion or expectation of success for combining the patents to create Applicants' unique arrangement of a data conversion system.

More specifically, if the method of generating time stamps for isochronous data of the Stallkamp patent and/or the Domon publication were some how modified to meet the claims of the present invention, it would require a complete reconstruction of the logic and controls of the Stallkamp patent and/or the Domon publication, which would destroy the teaching of the the Stallkamp patent and the Domon publication.

Moreover, Applicant believes that the dependent 2-4 and 9 are also allowable over the prior art of record in that they depend from independent claims 1 and 9, and therefore are allowable for the reasons stated above. Also, the dependent claims 2-4 and 9 are further allowable because they include additional limitations. Thus, Applicant believes that since the prior art of record does not disclose or suggest the invention as set forth in independent claims 1 and 8, the prior art of record also fails to disclose or suggest the inventions as set forth in the dependent claims.

Therefore, Applicant respectfully requests that this rejection be withdrawn in view of the above comments and amendments.

***Prior Art Citation***

In the Office Action, additional prior art references were made of record. Applicant believes that these references do not render the claimed invention obvious.

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In view of the foregoing amendment and comments, Applicant respectfully asserts that claims 1-4 and 8-9 are now in condition for allowance. Reexamination and reconsideration of the pending claims are respectfully requested.

Respectfully submitted,

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Dated: December 30, 2008

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